

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6090

BILL NUMBER: HB 1068

NOTE PREPARED: Nov 15, 2002

BILL AMENDED:

SUBJECT: Criminal Recklessness.

FIRST AUTHOR: Rep. Pelath

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather.

Effective Date: July 1, 2003.

Explanation of State Expenditures: Under current law, among other conditions, criminal recklessness becomes a Class C felony when it is committed by shooting a firearm from a vehicle into an inhabited dwelling, and a Class D felony if it is committed while armed with a deadly weapon. Between 1997 and 2001, 34 people a year on average were committed to a state correctional facility for Class C felony criminal recklessness, and 122 people a year on average were committed for Class D felony criminal recklessness.

The bill would remove the provision that the firearm is shot from a vehicle for the offense to qualify as a Class C felony. The Class C felony would apply anytime a firearm is shot into an inhabited dwelling, and, since a firearm is a deadly weapon, some of the offenders who were previously convicted of Class D felony criminal recklessness, may be convicted of a Class C felony instead.

State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from two to eight years. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no

additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class D or C felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class D and Class C are both \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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